

# Senate Study Bill 1215 - Introduced

SENATE JOINT RESOLUTION \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY RESOLUTION BY  
CHAIRPERSON ZAUN)

## SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution  
2 of the State of Iowa relating to the rights of a crime  
3 victim.  
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. The following amendment to the Constitution of  
2 the State of Iowa is proposed:

3 Article I of the Constitution of the State of Iowa is amended  
4 by adding the following new section:

5 Sec. 26. **Crime victims — rights.** The victim of a  
6 crime shall have the right to be treated with fairness and  
7 dignity, with respect for their safety and privacy, and to be  
8 informed of their rights under Iowa law. A victim includes  
9 the immediate family members of a victim who died or was  
10 rendered incompetent as a result of the offense or who was  
11 under eighteen years of age at the time of the offense. The  
12 rights of a victim as defined by the general assembly shall  
13 not be denied or abridged by the state, secondary to the  
14 constitutional rights of the defendant. Upon request, a victim  
15 shall have the right to timely notice of and to be present  
16 at proceedings related to the criminal offense; to be timely  
17 notified, present, and heard at proceedings related to the  
18 victim's rights and the defendant's sentencing, parole, and any  
19 other disposition; to be timely notified of the defendant's  
20 incarceration location, release, escape, furlough, move to  
21 community corrections, work release, or death; to receive  
22 a copy of the defendant's conditions of release; and to  
23 restitution for pecuniary loss related to the crime. A victim  
24 shall have the right to refuse an interview, deposition, or  
25 other discovery request made by the defendant, the defendant's  
26 counsel, or any person acting on behalf of the defendant. A  
27 victim or a lawful representative of the victim has the right  
28 to assert these rights in any court. This section shall not  
29 provide grounds for a new trial for a defendant or any claim  
30 for damages against the government or any officer, employee, or  
31 agent of the government, or any governmental entity.

32 Sec. 2. **REFERRAL AND PUBLICATION.** The foregoing proposed  
33 amendment to the Constitution of the State of Iowa is referred  
34 to the general assembly to be chosen at the next general  
35 election for members of the general assembly, and the secretary

1 of state is directed to cause the proposed amendment to be  
2 published for three consecutive months previous to the date of  
3 that election as provided by law.

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with  
6 the explanation's substance by the members of the general assembly.

7 This joint resolution proposes an amendment to the  
8 Constitution of the State of Iowa relating to the rights of a  
9 crime victim.

10 The joint resolution specifies that the victim of a crime  
11 shall have the right to be treated with fairness and dignity,  
12 with respect for the victim's safety and privacy, and to be  
13 informed of all their rights under Iowa law. A victim includes  
14 the immediate family members of a victim who died, was rendered  
15 incompetent as a result of the offense, or was under 18 years  
16 of age at the time of the offense. The rights of a victim  
17 as defined by the general assembly shall not be denied or  
18 abridged by the state, secondary to the constitutional rights  
19 of the defendant. Upon request, a victim shall have the right  
20 to timely notice of and to be present at proceedings related  
21 to the criminal offense; to be timely notified, present, and  
22 heard at proceedings related to the victim's rights and the  
23 defendant's sentencing, parole, and any other disposition; to  
24 be timely notified of the defendant's incarceration location,  
25 release, escape, furlough, move to community corrections, work  
26 release, or death; to a copy of the defendant's conditions  
27 of release; and to restitution for pecuniary loss related to  
28 the crime. A victim has the right to refuse an interview,  
29 deposition, or other discovery request made by the defendant,  
30 the defendant's counsel, or any person acting on behalf of  
31 the defendant. A victim or a lawful representative of the  
32 victim has the right to assert these rights in any court. The  
33 joint resolution shall not provide grounds for a new trial for  
34 a defendant or any claim for damages against the government  
35 or any officer, employee, or agent of the government, or any

1 governmental entity.

2     The joint resolution, if adopted, would be published and  
3 then referred to the next general assembly (89th) for adoption  
4 a second time, before being submitted to the electorate for  
5 ratification.